

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES HOWARD ROBINSON,

Petitioner,

V.

STATE OF WASHINGTON,

Respondent.

CASE NO. C08-5006BHS

ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter comes before the Court upon Petitioner's response to the Court's Show Cause Order (Dkt. 2). On January 3, 2008, Petitioner filed a notice of removal. Dkt. 1. On January 25, 2008, the Court ordered Petitioner to show cause why his case should not be dismissed for failure to pay a filing fee or file for in forma pauperis status and for failure to comply with Local Rules CR 3(a) and 101. In his response to the Show Cause Order, Petitioner does not correct the deficiencies noted in the Show Cause Order, and dismissal is therefore warranted.

Petitioner also clarifies that he seeks removal of the certificate of probable cause filed against him in Pierce County Superior Court. Dkt. 3 at 1. *See* RCW 71.09.030 (county prosecutor may file a petition alleging that a person is a “sexually violent predator” who should be subject to civil commitment); RCW 71.09.040 (if judge finds probable cause to believe that person named in petition is a sexually violent predator,

1 person is taken into custody and may challenge finding of probable cause at probable
2 cause hearing). It appears that the Petitioner seeks federal intervention into ongoing state
3 proceedings.

4 Generally, federal courts will not intervene in a pending criminal proceeding
5 absent extraordinary circumstances where the danger of irreparable harm is both great and
6 immediate. *See Younger v. Harris*, 401 U.S. 37, 45- 46 (1971); *see also Fort Belknap*
7 *Indian Community v. Mazurek*, 43 F.3d 428, 431 (9th Cir. 1994) (abstention appropriate if
8 ongoing state judicial proceedings implicate important state interests and offer adequate
9 opportunity to litigate federal constitutional issues).

10 Only in the most unusual circumstances is a petitioner entitled to have the federal
11 court intervene before a case concludes in state court. *Drury v. Cox*, 457 F.2d 764,
12 764-65 (9th Cir. 1972). Extraordinary circumstances exist where irreparable injury is both
13 great and immediate, for example where the state law is flagrantly and patently violative
14 of express constitutional prohibitions or where there is a showing of bad faith,
15 harassment, or other unusual circumstances that would call for equitable relief. *Younger*,
16 401 U.S. at 46, 53-54.

17 Because Petitioner has failed to pay the filing fee or file for in forma pauperis
18 status and because Petitioner appears to seek intervention into ongoing state proceedings,
19 it is hereby

20 **ORDERED** that this matter is **DISMISSED** without prejudice.

21 Dated this 19th day of February, 2008.

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BENJAMIN H. SETTLE
United States District Judge